

16-516 DISTRICT "C-3" COMMERCIAL DISTRICT.

- 516.1 INTENT. The intent of this district is to provide commercial locations for uses which serve as a convenience to the traveler or require a location on a highway or arterial in order to have an efficient operation. It is further intended that the uses be of a single-purpose character and not be of a nature in which people walk from store-to-store as in a nucleated center. Screening and off-street parking are required in order to reduce possible adverse effects on surrounding residential areas. (Ord. 2003, Sec. 5)
- 516.2 PERMITTED USES. In District "C-3" no building, structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:
- A. Any use permitted in District C-2.
 - B. Rental, leasing or sale at retail or wholesale of new or used passenger cars, boats, trucks, trailers, recreational vehicles, construction equipment and farm machinery.
 - C. Rental or leasing of lawn care equipment.
 - D. Sales and servicing of swimming pools, patio furnishings and related equipment.
 - E. Repair and servicing of motor vehicles, machinery and equipment of all types, including body shops, paint shops, transmission shops, and facilities for engine overhauls.
 - F. Commercial or wholesale facilities for bakeries, printing and publishing, cold storage and ice, and nurseries and greenhouses.
 - G. Car washes.
 - H. Outdoor miniature golf.
 - I. Contractor's yard and storage.
 - J. Taxi and limousine dispatching centers.
 - K. Manufacture or assembly of products to be sold only at retail on the premises.
 - L. Hotels and motels.
 - M. Accessory uses customarily incidental to the uses permitted in "C-3".
(Ord. 2003, Sec. 5)
- 516.3 CONDITIONAL USES. The following may be allowed by conditional use permit when submitted to and reviewed, and approved by the Planning Commission and City Council.
- A. Storage and warehousing except for products of a highly explosive, combustible or volatile nature.
 - B. Wholesale establishments except those which handle products of a highly explosive, combustible or volatile nature.

- C. Public utility, telephone exchanges, electric substations, water, sewer or storm sewer facilities, and natural, piped gas operating under government franchise and contract.
- D. Mini-warehouses subject to the following conditions:
 - 1. The use must be located in close proximity to an arterial street as designated in the Comprehensive Plan.
 - 2. All storage shall be within enclosed buildings.
 - 3. Any side of the building providing doorways to storage areas shall be set back from the property line not less than 35 feet.
 - 4. All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. All one-way driveways which provide direct access to cubicles shall provide for one 10-foot parking lane and one 15-foot travel lane. All two-way driveways which provide direct access to cubicles shall provide for one 10-foot parking lane and two 12-foot travel lanes. Adequate bumper guards or fences shall be provided to prevent the extension of vehicles beyond property lines.
 - 5. All lights shall be shielded to direct light away from adjacent properties.
 - 6. No activities such as miscellaneous or garage sales or the servicing or repair of motor vehicles, boats, trailers, lawn mowers, and other similar equipment shall be conducted on the premises. Also, no manufacturing, assembly or processing of any product shall be permitted. An on-site manager's residence is permissible.
 - 7. The area shall be properly policed by the owner or operator for removal of trash and debris.
 - 8. Two copies of a plot plan showing ingress and egress, widths of driveways, off-street parking, loading areas, and on-site traffic circulation shall be submitted to the Board of Zoning Appeals for their consideration with the conditional use permit application.
 - 9. The Planning Commission may attach such other conditions as deemed necessary to provide for compatible development.
- E. Motor vehicle tow lots (but not salvage yards).
- F. Communication Transmission Towers and Antennas over thirty feet (30').
 - 1. The purpose and intent of this subsection is to provide for the safe and effective installation and operation of wireless communication antennas, accessory equipment, and support structures. Each application for a Conditional Use Permit for a

communication tower shall be accompanied by the following information:

- a. A site plan.
 - b. A report from a licensed professional structural engineer which describes the tower's capacity including the number and type of antennas it can accommodate.
 - c. A report indicating the justification of the site selected for the communication tower and comparing all potential sites with a one-half mile radius. The report shall indicate why any existing tower within the one-half mile radius cannot be utilized by the applicant.
 - d. A photo simulation of the proposed facility from affected properties and the public right-of-way may be required.
 - e. An explanation of the need for the facility to maintain the integrity of the communication system. A map showing the service area of the proposed tower shall be submitted.
 - f. A signed statement from the applicant indicating the intention to share space on the tower with other carriers.
 - g. A copy of the lease between the applicant and the landowner. The lease shall contain the following provisions:
 1. The landowner and the applicant shall have the ability to enter into a lease with other carriers for co-location.
 2. The landowner shall be responsible for the removal of the communication tower or facility within six months (6) in the event the lessee fails to remove it upon abandonment.
2. Height - The maximum height which may be approved for a communication tower is 160 feet. A lightning rod, not to exceed ten feet (10'), shall not be included within the height limitation. All new towers in excess of 100 feet shall be designed to accommodate at least two (2) additional providers. The location of the additional antennas on a legally existing tower shall not require additional approval of the Planning Commission or City Council.

3. Setbacks - All towers and antennas shall meet the required setbacks of the zoning district. In addition to complying with the district regulations, the antenna shall be setback from the property lines a distance equal to the height of the communication tower. A lesser setback may be approved with the Conditional Use Permit, upon demonstration by a licensed structural engineer registered in the state of Kansas that the fall zone of the communication tower is within the radius of the setback.

If the communication tower and antenna are setback less than the height of the tower or antenna, it shall be inspected and approved upon construction, by a licensed structural engineer, registered in the state of Kansas. Such towers shall be re-inspected every five (5) years to insure the structural integrity and safety of the antenna.

4. Tower Design - All communication towers shall be of a monopole design unless required by the Planning Commission or Governing Body to be architecturally compatible to surrounding development.
5. Tower Color - All communication tower and antenna structures shall be galvanized metal, except otherwise required by the Planning Commission or City Council. Exceptions may be granted, based on FAA or FCC regulations.
6. Equipment Storage - Mobile or immobile equipment not used in direct support of the tower facility shall not be stored or parked on the site of the communication tower unless repairs to the tower are being made.
7. Accessory Structures - All ground equipment shall be stored with a structure, built of materials compatible with the location and types of surrounding land uses. Use of metal buildings is prohibited.
8. Landscaping - All equipment buildings shall be screened with landscaping or fencing appropriate to the location and types of surrounding land uses. The site shall be landscaped per Section 16-1101 of the zoning ordinance.
9. Access - Access from a public or private roadway. The City Council may wave surfacing materials, curbing and stormwater drainage requirements, if recommended by the Engineering Administrator.
10. Security Fencing - Sites shall be enclosed by security fencing to be indicated on the site plan.

11. Permitting - A building permit with structural and electrical drawings, sealed by licensed structural engineer registered in the state of Kansas, is required.

(Ord. 2003, Sec. 5)

516.4 INTENSITY OF USE REGULATIONS.

- A. MINIMUM LOT AREA: None for commercial uses. Fifteen hundred (1500) square feet for each apartment built above ground floor.

- B. MINIMUM LOT WIDTH: None.

(Ord. 2003, Sec. 5)

516.5 HEIGHT REGULATIONS.

- A. MAXIMUM STRUCTURE HEIGHT: 45 feet.

(Ord. 2003, Sec. 5)

516.6 YARD REGULATIONS.

- A. FRONT YARD:

1. The front yard shall be a minimum of 25 feet in depth measured from the front lot line. On collector streets, the minimum front yard shall be 65 feet measured from the centerline of the street right-of-way; and on arterial streets, the minimum front yard shall be 85 feet measured from the centerline of the street.

2. Where lots have a double frontage, the required front yard shall be provided on both streets.

- B. Minimum side yard: Nine (9) feet when adjacent to a residential district, otherwise none.

- C. Minimum rear yard: 25 feet or 20% of the depth of the lot, whichever is smaller.

(Ord. 2003, Sec. 5)

516.7 USE LIMITATIONS.

- A. No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.

- B. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any adjacent property and no glare is visible to any traffic on any public street.

- C. A solid or semi-solid fence, hedge or wall at least six (6) feet, but not more than eight (8) feet high, and having a density of not less than eighty (80) percent per square foot, shall be provided adjacent to an adjoining residential district unless the adjacent residential district and the commercial development are separated by a street right-of-way. Said fence or wall shall be maintained in good condition by the owner or owners of the property in the "C-3" District.

- D. Gasoline pumps, air and water service and other fixtures used in connection with automobile service stations may be located within the front yard but not less than 12 feet from the front lot line and in any event, not less than 40 feet from the centerline of any street or road on which the service station abuts.
- G. Buildings should be oriented so that the front or side of the building faces the public street frontage of the property. In unique situations due to the design of the lot with double or triple frontages where it is necessary to orient a rear elevation towards a public street, all loading and services areas shall be screened from public view with landscaping, berming, facade walls, or fencing.

(Ord. 2003, Sec. 5)

- 516.8 PARKING REGULATIONS. One off-street parking space in the side or rear yard shall be provided for each 250 square feet of service floor area. (See Article 10 for additional parking requirements.) (Ord. 2003, Sec. 5)
- 516.9 SIGN REGULATIONS. See Article 12. (Ord. 2003, Sec. 5)
- 516.10 LANDSCAPING. See Article 11. (Ord. 2003, Sec. 5)